THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO. 6639 OF 2006

Dated:13.04.2006

BETWEEN

Sri Gopisetty Appala Raju and others.

....PETITIONERS

AND

State of A.P., rep. By its Secretary to Government, Revenue Department, Secretariat, Hyderabad and others.

....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO. 6639 OF 2006

ORDER:

The petitioners, who are 25 in number, filed the instant writ petition seeking a writ of Mandamus to declare the notification issued by the Government vide G.O.Ms.No.583, dated 04.05.2005, under Section 22-A of the Registration Act, 1908 as amended by the Andhra Pradesh Act No.4 of 1999 (A.P.Amendment Act, for brevity) as unconstitutional and ultra vires. The petitioners also seek a consequential direction to respondents 2 and 3 to register the sale deeds executed by the petitioners 1 to 22 in favour of petitioners 23 to 25 relating to different number of plots situated at Madhurawada village, Chinagadili Mandal, Visakhapatnam.

The Supreme Court of India in **State of Rajasthan v Basant Nahata**, invalidated Section 22-A of the Rajasthan Registration Act, 1976 which is *in pari materia* with Section 22-A of A.P.Amendment Act. Following the same, a Division Bench of this Court comprising their Lordships the Hon'ble the Chief Justice, G.S.Singhvi, and the Hon'ble Sri Justice R.Subhash Reddy, in an unreported Judgment in W.P.No.14099 of 2003 and batch, dated 07.12.2005, declared Section 22-A of A.P.Amendment Act as ultra vires.

Following the same, this writ petition is allowed directing the respondents 2 and 3 to accept and register the sale deeds as and when they are presented by petitioners 1 to 22. If there are any valid reasons, it shall be open to the respondents 2 and 3 to reject the registration after giving sufficient reasons, in which case, it is open to the petitioners to file an appeal under Section 72 of the Registration Act, 1908. No costs.

_____

(V.V.S.RAO,J)

13.04.2006

VGB